

**Meeting of the Central Valley Flood Protection Board  
July 18, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18359 (Attachment A) to excavate material, to place rock at the toe, plant the slope with native grasses, forbs, sedges and trees; place a crib wall, filled with gravel, rocks and live cuttings and tied down with timbers on the left (south) bank of Big Chico Creek.

Applicant

City of Chico

Location

The project is located in Chico, east of Rose Avenue and north of Oak Park Avenue (Big Chico Creek, Butte County, see Attachment B).

Description

To excavate approximately 2,000 cubic yards of material, to place rock at the toe, plant the slope with native grasses, forbs, sedges and trees along approximately 650 linear feet; place a crib wall, filled with gravel, rocks and live cuttings and tied down with timbers on the left (south) bank of Big Chico Creek.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the July 18, 2008 Board meeting.
- There is no endorsing agency for this project.

Floodplain Enhancement and Restoration

The project's purpose is to enhance the area's ecological integrity and recreational amenities by increasing bank stability, expanding Big Chico Creek's carrying capacity,

and restoring native vegetation. The work involves three basic tasks: (1) excavation of an estimated 2,000 cubic yards of fill from the north bank of Big Chico Creek; (2) biotechnical bank stabilization at two locations; and (3) removal of selected exotic vegetation and re-vegetation with appropriate native plant species.

This project includes using “biotechnical” streambank stabilization to address the erosion that is threatening homes and Bidwell Avenue. Biotechnical approaches incorporate hard structures and native vegetation that work with a stream’s natural functions while reducing bank erosion. The project also includes a technique called “floodplain excavation” where terraces are created when existing steep banks constrict the stream. These terraces allow the stream to spread out at high flows, which reduces flow velocity, flood peaks, settles sediments, improves water quality and allows native, streamside vegetation to flourish.

#### CEQA Findings:

Board staff recommends that the Board adopt the following CEQA findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Initial Study, Mitigated Negative Declaration and mitigation measures for the City of Chico’s Bidwell Reach 2 Stream Restoration Project (SCN 2008052119) prepared by the lead agency, City of Chico, June 2007. The Initial Study and additional project documents may be viewed or downloaded at the Big Chico Creek Watershed Alliance website at

[http://www.bigchicocreek.org/nodes/aboutwatershed/projectsprograms/bidwell\\_reach\\_2\\_project\\_main.htm](http://www.bigchicocreek.org/nodes/aboutwatershed/projectsprograms/bidwell_reach_2_project_main.htm).

Without mitigation the proposed project could have short-term impacts on agricultural resources (re-vegetation), air quality (during construction), biological resources (special status species, nesting birds, riparian habitat, wetlands), cultural resources (archeological sites), geology (soil erosion), hazards and hazardous material, hydrology / water quality (bank erosion), noise (during construction), and transportation / traffic (during construction).

With respect to mandatory findings of significant impacts, implementation of mitigation measures will reduce potential short-term impacts to less than significant with mitigation. In the long term the proposed project would increase the quality of the environment in the project area, and no permanent impacts would result from project construction.

Based on its independent review of the Initial Study, Mitigated Negative Declaration and mitigation measures the Board finds that although the proposed project could have significant environmental impacts there will be no significant impacts in this case because the City has incorporated mandatory mitigation measures into the project plans that will reduce the level of significance to less than significant after mitigation.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has positive effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

### List of Attachments

- A. Permit
- B. Location maps

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18359 BD****This Permit is issued to:**

City of Chico  
Building 25, CSUC  
Chico, California 95929-0246

To excavate approximately 2,000 cubic yards of material, to place rock at the toe, plant the slope with native grasses, forbs, sedges and trees, along approximately 650 linear feet; place a crib wall, filled with gravel, rocks and live cuttings and tied down with timbers along approximately 60 linear feet on the left (south) bank of Big Chico Creek. The project is located in Chico, east of Rose Avenue and north of Oak Park Avenue (Section 27&34, T22N, R1E, MDB&M, Big Chico Creek, Butte County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

## **SPECIAL CONDITIONS FOR PERMIT NO. 18359 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The Central Valley Flood Protection Board and the State of California and/or any department(s) shall not be held liable for damage(s) to the herein permitted project resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

**FIFTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project and shall defend and hold harmless the Central Valley Flood Protection Board and the State of California and/or any department(s) thereof from any liability or claim(s) of liability associated therewith.

**SIXTEEN:** The permittee shall be responsible for repair of any damage(s) to the Big Chico Creek due to construction, operation and/or maintenance of the herein permitted project.

**SEVENTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**EIGHTEEN:** Stockpiled material and/or equipment shall not remain in the Big Chico Creek during the

flood season from November 1st to April 15th.

NINETEEN: All cleared trees and brush shall be completely burned or removed from the Big Chico Creek, and downed trees and brush shall not remain in Big Chico Creek during the flood season from November 1st to April 15th.

TWENTY: No excavation shall be made or remain in Big Chico Creek during the flood season from November 1st to April 15th.

TWENTY-ONE: Fill material shall be placed only within the area indicated on the approved plans.

TWENTY-TWO: Density tests by a certified materials laboratory will be required to verify compaction of backfill within Big Chico Creek.

TWENTY-THREE: Fill material shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-FOUR: All debris generated by this project shall be disposed of outside Big Chico Creek.

TWENTY-FIVE: No elderberries shall be planted at this site.

TWENTY-SIX: If the planted vegetation result(s) in an adverse hydraulic impact, the permittee will provide appropriate mitigation.

TWENTY-SEVEN: If the herein permitted project results in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved in writing by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

TWENTY-EIGHT: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted project if removal or alteration is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove or modify the herein permitted project at the permittee's expense.

TWENTY-NINE: If the encroachment(s), or any portion thereof, is/are to be abandoned in the future, the permittee or successor shall abandon the encroachment(s) under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY: The letter from the Department of the Army dated July XX, 2008, which is attached to this permit as Exhibit A is in reference to this project.



